

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

GREGORY MANASHER and  
FRIDA SIROTA,

Plaintiffs,

v.

Case No. 06-10749  
Hon. Sean F. Cox

NECC TELECOM,

Defendant.

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**ORDER**

This matter is before the Court on Defendant's Motion to Stay Proceedings Pending Appeal. Defendant asks the Court to enter a stay on all proceedings pending the outcome of Defendant's appeal to the Sixth Circuit. Defendant appeals this Court's denial of its motion to compel arbitration. Plaintiffs oppose Defendant's Motion to Stay, arguing, in part, that not all of the claims are arbitrable - and are thus unaffected by the current appeal.

On September 18, 2007, this Court entered an Opinion and Order denying Defendant's motion to compel arbitration; and granting in part, and denying in part, Defendant's motion to dismiss. [Doc. 97]. Pursuant to that Order, all proceedings in the instant case are stayed pending a ruling by the Federal Communications Commission ("FCC"). However, Defendant is concerned that the current stay will expire prior to resolution of its appeal.

Because proceedings are already stayed in this action pending a ruling by the FCC, this Court declines to issue a separate stay pending appeal at this time. Defendant's Motion to Stay

Proceedings Pending Appeal is **DENIED**, without prejudice.

**IT IS SO ORDERED.**

S/Sean F. Cox  
Sean F. Cox  
United States District Judge

**Dated: November 7, 2007**

**I hereby certify that a copy of the foregoing document was served upon counsel of record on November 7, 2007, by electronic and/or ordinary mail.**

S/Jennifer Hernandez  
Case Manager